

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 13, 2005 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 05002

PROPOSAL: To vacate N. 11th Street as indicated in the attached drawing.

LOCATION: Generally located west of N. 14th Street north of Fletcher and South of Humphrey Avenues.

LAND AREA: Approximately 3.5 acres.

CONCLUSION: There are no existing utilities in the area and an alternate street pattern is provided with the associated community unit plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached petition.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	AG
South:	Undeveloped/acreage	AG
East:	Residential/undeveloped	AG
West:	Acreage	AG

ASSOCIATED APPLICATIONS: Annexation #05006, Change of Zone #05024, Special Permit #05015

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential.

UTILITIES: There are no utilities in the area.

TRAFFIC ANALYSIS: N. 11th Street is an unimproved local street.

ALTERNATIVE USES: Street right of way.

ANALYSIS:

1. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts

necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

2. This application is being coordinated with a Special Permit for a Community Unit Plan, Change of Zone and Annexation. An alternate street pattern is proposed. Staff recommended approval to the associated applications and the alternate street pattern.
3. The Parks Department, and Urban Development Departments did not respond to the application request.
4. The applicant indicated a willingness to pay for the vacated right of way.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: March 31, 2005

OWNER:	Hartland Homes, Inc.	John and Linda Hershberger
	PO Box 22787	1000 Fletcher Avenue
	Lincoln, NE 68542	Lincoln, NE 68521
	(402)477-6668	(402)477-7142

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424



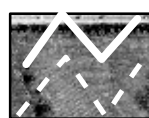
2002 aerial

Street & Alley Vacation #05002 N. 14th & Humpfrey Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 35 T11N R6E



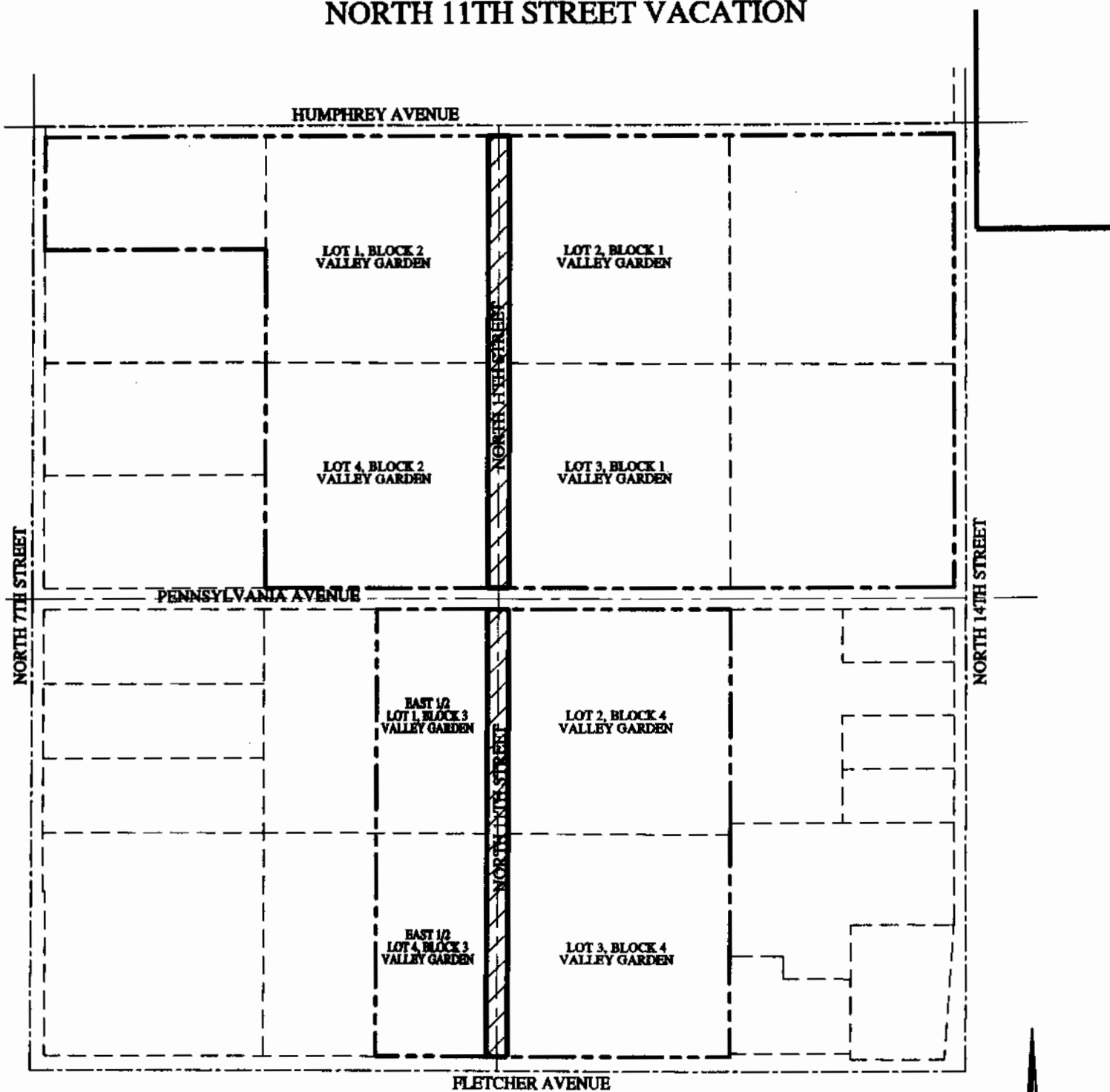
Zoning Jurisdiction Lines

City Limit Jurisdiction



HARTLAND'S GARDEN VALLEY

NORTH 11TH STREET VACATION



SCALE: 1" = 400'

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

North 11th Street between the south line of Pennsylvania Avenue and the north line
of Fletcher Avenue

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract NOT street address, i.e. Lot 10, Block 500 Boardwalk Addition NOT 4500 Park Place Blvd.*)

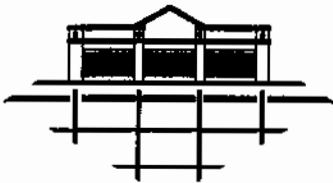
Lot 2 & Lot 3, Block 4, Garden Valley

DATED this 15 day of March, 2005



Duane Hartman, President
Hartland Homes, Inc.

**(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION
BEFORE A NOTARY PUBLIC – NOTARIAL ACKNOWLEDGMENTS ON REVERSE)**



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 15, 2005

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: HARTLAND'S GARDEN VALLEY - NORTH 14TH AND HUMPHREY AVE.
ANNEXATION- CHANGE OF ZONE- SPECIAL PERMIT (C.U.P.)-
AND ASSOCIATED STREET AND ALLEY VACATIONS

Dear Marvin,

On behalf of Hartland Homes, Inc, we are pleased to finally submit the above mentioned applications for your review. As you are aware, we have been working with City Staff for several months to address various issues regarding this project. It appears we have all come to the same understanding and therefore, we submit this application.

Hartland's Garden Valley is located on the West side of North 14th Street from Fletcher Avenue to Humphrey Avenue. The site contains 90.05 acres and it currently zoned 'AG'. The site is bisected by a small drainage area with delineated wetlands. We will be crossing these wetlands in only 4 locations. There is also a high transmission power line running through the southeastern portion of the site.

We are proposing a change of zone from 'AG' to 'R-3' with a C.U.P. for 326 single family residential lots, ranging in size from approximately 41' x 110' to 99' x 125'. This will allow for a varied mixture of different home sizes to be built within the neighborhood. All streets, water and sewer will be 'public' infrastructure.

We are proposing the 'Boulevard Concept' for the future 'collector' streets of Humphrey Avenue and Pennsylvania Avenue. This will allow for on street parking in front of the homes, as well as permitting one thru lane of traffic. Left turning lanes will be installed in the medians at all intersections.

We are also requesting annexation of the Hartland's Garden Valley project at this time.

We will also be requesting a street and alley vacation for the existing North 11th Street from Fletcher Avenue to Humphrey Avenue.

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We are requesting the following waivers to the subdivision ordinance;

1. Waiver of the preliminary plat process, as the Special Permit/ C.U.P. plans show the same information.
2. Waiver of Block Length in Blocks 2, 4, 7 & 15, as these waivers minimize the crossing of the wetland/ creek areas.
3. Average lot width, from 50 feet to 41 feet, to promote a mix of housing types.
4. Lot area from 6,000 square feet to 4,500 square feet, to promote a mix of housing types. There is also a large amount of open space within this C.U.P., due to drainage areas and the overhead power line.
5. Double frontage lots in Blocks 1 and 2. This will allow for fewer driveways to access the collector streets.
6. Pedestrian easements in Blocks 7 and 15. These blocks back up to existing drainage ways.
7. Sanitary sewer running opposite of street grade in Garden Valley Road and North 10th Street. This waiver is required to accommodate pavement and storm sewer flow to the existing drainage ways.

We are excited about this new project and look forward to working with City Staff as this project moves forward.

Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Duane Hartman- Hartland Homes
Peter Katt
Lyle Loth- ESP

Enclosures: Application for a Special Permit, Change of Zone, Street & Alley Vacation
Application Fees of \$3,245.00
24 copies of Sheet 1 of 11
8 copies of Sheets 2 thru 11 of 11
Certificate of Ownership
8-1/2" x 11" reductions of the plans
2 copies of Culvert Calculations
2 copies of Stormwater Detention Calculations